



Laura T Beyer

Laura T. Beyer
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE:

**ANTHONY JOSEPH GRIER
DEBTOR(S)**

**18-30555
CHAPTER 13**

**CONSENT ORDER ALLOWING CONDITIONAL
RELIEF FROM THE AUTOMATIC STAY**

THIS CAUSE coming on to be heard before the Court, and it appearing to the Court that Ocwen Loan Servicing, LLC Servicer for The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2005-RP3 ("Ocwen Loan Servicing, LLC"), the creditor, and the Debtor have agreed and consented to the entry of this Order allowing the conditional relief from the automatic stay pursuant to the agreement of the parties as set forth below:

NOW THEREFORE, with the agreement and consent of the parties, the Court makes the following:
FINDINGS OF FACT

1. On April 12, 2018, the Debtor, Anthony Joseph Grier, filed a petition with the Bankruptcy Court for the Western District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. On the date the petition was filed, the Debtor was the owner of real property ("Property") located at 1919 Lakedell Dr, Charlotte, NC 28215.
3. The Property is subject to the first lien of The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2005-RP3 by Deed of Trust recorded in the Mecklenburg County Public Registry ("Deed of Trust").
4. Said Deed of Trust secures a Note from the Debtor to Homecomings Financial Network, Inc., in the original principal amount of \$66,000.00, dated October 7, 1996 ("Note"). The Note and Deed of Trust have been transferred and assigned to The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2005-RP3.

5. The Debtor has defaulted in the payment of the mortgage payments to be made outside of the plan. The amount of the default as of December 4, 2018 is \$4,195.00. A breakdown of the default is as follows:

6 payments at \$775.56 for 7/1/18-12/1/18	\$4,653.36
Suspense Balance	\$-458.36
TOTAL ARREARAGE	\$4,195.00

6. Ocwen Loan Servicing, LLC and the Debtor agreed and consented to entry of this Order as shown by the signatures of counsel for the parties appearing below.

NOW THEREFORE, by virtue of the law and by reason of the premises aforesaid, and the consent of the parties, it is Ordered, Adjudged and Decreed as follows:

- A. The Debtor shall cure the remaining post-petition arrearage of \$4,195.00 through Trustee disbursements over the life of the Debtor's Chapter 13 Plan. The Trustee shall increase the Plan payments as needed in order to effectuate this provision.
- B. The Debtor shall also resume making his/her regular monthly mortgage payments (currently \$775.56) to Ocwen Loan Servicing, LLC beginning with the January 1, 2019 payment and continuing with each month thereafter as said mortgage payments come due pursuant to the Note and Deed of Trust.
- C. In the event the Debtor shall fail to make any payment required by paragraph B, on or before fifteen days after the due date, the automatic stay and restraining order entered in this case shall be hereby modified without the necessity of further notice or hearing in order that Ocwen Loan Servicing, LLC, or any successor-in-interest shall be allowed to proceed to foreclosure under the Deed of Trust referred to above. The provision shall expire three (3) months from the entry of the Order.
- D. In the event Ocwen Loan Servicing, LLC obtains relief from stay as provided in this Order then F.R.B.P 4001(a)(3) shall not apply.
- E. In the event the Creditor obtains relief from stay, the Creditor shall not be required to file a Notice of Mortgage Payment Change or a response to the Trustee's Notice of Final Cure contemplated by Rule 3002.1 of the Federal Rules of Bankruptcy Procedure.
- F. A default is cured if the default is paid in full and received by Ocwen Loan Servicing, LLC before the expiration of the cure period.
- G. In the event the Creditor obtains relief from stay, the Trustee is authorized to cease payments upon any and all pre-petition claims filed in this case where any creditor holds a security interest in the property.
- H. The Creditor shall have 180 days to file a deficiency claim from the time the property is removed from the protection of the automatic stay. For good cause shown, an extension of time to file a deficiency claim may be granted by the Court so long as an application therefore is made within the applicable deficiency filing period.
- I. The Creditor's attorney fees and costs of \$450.00 shall be added to the Chapter 13 Plan. The trustee shall modify the plan as necessary to accommodate this additional claim.
- J. The Debtor's Attorney shall be awarded his non-base of \$450.00 to be paid through the Plan. The trustee shall modify the plan as necessary to accommodate this additional claim.
- K. The Debtor shall mail future payments to Ocwen Loan Servicing, LLC, 1661 Worthington Road, Suite 100, P.O. Box 24737, West Palm Beach, Florida 33409.

Agreed and consented to this 4th day of
December, 2018.

/s/ Andrew Lawrence Vining

Andrew Lawrence Vining, Attorney for Creditor, Bar # 48677
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Agreed and consented to this 27th day of
December, 2018.

/s/ David William Hands

David William Hands, Hands Law Office, PLLC
Attorney for Debtor

No objection this the 3rd day of
January, 2019.

/s/ Warren L. Tadlock

Warren L. Tadlock, Trustee

**This Order has been signed electronically. The
judge's signature and court's seal appear at the
top of the Order.**

United States Bankruptcy Court